

## **REMARKS**

The Office Action has rejected claims 1-21 pending in the present application. Claims 22-28 have been added. Re-consideration of the application as amended is respectfully requested.

### **A. Drawing Rejection**

The Office Action rejected FIG. 6 for the failure to indicate that the hose bib illustrated is prior art. In addition, the drawings were objected to because in FIG. 3 hole 22 was incorrectly extended out of middle portion 16. The Applicants have amended the drawings in light of the Office Action suggestions. The designation (Prior Art) has been added to FIG. 6. The Applicants respectfully traverse the objection to FIG. 3. All of the lines for the hole 22 were dashed, indicating the structure is hidden within the middle and front portions. The Applicants, however, have amended FIG. 3 to make the perspective more accurate. The new drawings are included as Replacement Sheets in Appendix A and the changes are highlighted in the Annotated Marked-Up copies in Appendix B.

### **B. Specification Rejections**

The abstract of the disclosure was objected to for the use of the phrase “hose bib containment device includes” and the failure to include the article “the” before the use of “containment” and “hose bib” in the abstract. The Applicants have amended the abstract to comply with the Examiner’s suggestions.

In addition, this disclosure was objected to for placing the trademark symbol ® after BASF instead of after Centrex. The Applicants have amended the specification in accordance with the suggestion in the Office Action. In addition, the disclosure was amended to indicate the

hole is defined by the tube as suggested. Therefore, the Applicants respectfully submit that the specification is now in condition for allowance.

### **C. Claim Objections**

Claim 1 was objected to because the term “a junction circumference” was alleged to be unclear. The Applicants respectfully traverse. The specification teaches on page 7, line 22 to page 8, line 2 that the junction circumference is the circumference of the shape commencing the end of the back portion and the beginning of the middle portion or the end of the middle portion and the beginning of the front portion. Therefore, the Applicants respectfully submit that this feature is well supported by the specification and is clear.

The Office Action objected to claim 13, line 1 as lacking the phrase “defined by.” The Applicants have amended claim 13 to include “defined by” in response to the suggestions by the Examiner.

The Office Action objected to claim 14 for the use of the term “the outward.” The Applicants have amended claim 14 to “an outward” in response to the Examiner’s suggestions.

The Office Action also objected to claim 15 and claim 17 over the use of “the front portion” and “the back portion” respectively as lacking antecedent basis. In response, the Applicants have amended claim 15 and respectfully submit that there is now proper antecedent basis for both of these features in claim 15 and 17.

### **D. Claim Rejections Under 35 USC § 102(b)**

Claims 1-3 and 6-14 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 4,473,244 to Hill (hereinafter the “Hill reference”). Applicants respectfully traverse. Foremost, claim 1 includes “a front portion having a plurality of sides and a face.” The Hill

reference does not teach these features in contradiction to the statement in the Office Action.

The Office Action maintains that the front face of block 12 is the “front portion” of claim 1. The Applicants respectfully submit construing the front face of block 12 to be the “front portion” leaves nothing to represent the “face” of the “front portion” required by claim 1. In other words, the front face of block 12 cannot simultaneously be both the “front portion” and its “face.” Moreover, there are no sides. Therefore, the Hill reference clearly cannot anticipate claim 1.

Moreover, claim 1, as amended, includes the feature of “wherein the middle portion extends along a longitudinal axis of the hose bib a greater length than the front portion or the back portion.” The Hill reference clearly teaches away from this feature of the claim. The Office Action construed Hill to teach the back portion as indicated by the lead line for numeral 12 in FIG. 1; the front portion as the front face of the block 12 and the middle portion as the chamfered portion 24. It is clear that the Hill reference teaches that the back portion extends along the length of the hose bib for a length greater than the middle portion 24. This directly teaches against the language of claim 1 as amended. Therefore, claim 1 as amended is clearly novel over the Hill reference.

Claims 2-3 and 6-14 all depend from claim 1 and therefore include all the features of claim 1. It is therefore respectfully submitted that claims 2-3 and 6-14 are allowable over the Hill reference for at least the reasons provided with respect to independent claim 1.

Furthermore, the Hill reference teaches away from the language of claim 1. By teaching a chamfered portion 24 that extends in the direction of the hose bib for a length less than back portion, the Hill reference directly teaches away from the language of claim 1 as amended.

### **E. Claim Rejections Under 35 USC § 103(a)**

The Office Action rejected claims 4-5 under 35 USC § 103(a) as being unpatentable over the Hill reference. The Applicants respectfully traverse. Claim 1 as amended includes the feature of “wherein the middle portion extends along a longitudinal axis of the hose bib a greater length than the front portion or the back portion.” As discussed previously, the Hill reference clearly teaches away from this feature of the claim. Claims 4-5 both depend from claim 1 and therefore include all the features of claim 1. Therefore, it is respectfully submitted that claims 4-5 are allowable over the cited reference.

The Office Action also indicated that claims 15-21 were rejected under 35 USC § 103(a) as being unpatentable over the Hill reference and further in view of U.S. Patent No. 6,543,186 to Gilleran (hereinafter the “Gilleran reference”). The Applicants respectfully traverse. Claim 15 includes the feature of “wherein the longitudinal axis of the middle portion extends in a substantially perpendicular direction away from the exterior wall in a length greater than the front portion or the back portion.” As discussed previously, the Hill reference clearly teaches away from the language of claim 15 as amended. Moreover, the Gilleran reference fails to correct this deficiency as the reference doesn’t disclose or suggest a “middle portion” much less a middle portion that “extends in a substantially perpendicular direction away from the exterior wall in a length greater than the front portion or the back portion.”

Furthermore, failure to teach this feature of the claim results in a design where there is no air space between the front portion and the back portion. The applicant teaches on page 8, line 6 that “[a]lternatively or additionally, middle portion 16 is constructed with sufficient depth to allow some air space between the brick and the exterior wall.” Clearly the Hill reference teaches

completely away from enabling air space between the exterior wall 8 and the front, back and middle portion because the portions form one solid block without any air space. Extending the middle portion for a larger length allows the brick to be easily built around the front portion and still allow air flow between the brick and the exterior wall. Using the design disclosed in the Hill reference would render claim 15 inoperable for one of its intended purposes of facilitating air flow between the exterior wall and the bricks. Therefore, claim 15 as amended is clearly patentable over the references of record.

Claim 16 and 17 depend from independent claim 15 and therefore include all of its features. It is therefore respectfully submitted that claims 16 and 17 are allowable over the references of record for at least the reasons as provided with respect to independent claim 15.

Claim 18 as amended includes the feature “wherein the longitudinal axis of the middle portion extends away from the exterior wall in the direction substantially perpendicular to the exterior wall in a length greater than the front portion or the back portion.” As discussed previously, the Hill reference clearly teaches away from the language of claim 18 as amended. Moreover, as discussed previously, the Gilleran reference fails to correct any deficiency in the Hill reference.

Claims 19-21 all depend from independent claim 18 and therefore include all of its features. It is therefore respectfully submitted that claims 19-21 are allowable over the references of record for at least the reasons provided with respect to independent claim 18.

## F. Conclusion

Accordingly, it is believed that claims 1-28 are in condition for allowance.

Reconsideration of the present application as amended is respectfully requested. The Examiner is invited to telephone the undersigned attorney to address any outstanding matters concerning the present application.

Respectfully submitted

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### **AMENDMENT TO THE DRAWINGS**

The attached sheets of drawings include changes to FIGs. 3 and 6 and replace the original sheets for FIGS. 3 and 6. In FIG. 3 the hole 22 has been revised to no longer extend out of the middle portion 16 and the designation (Prior Art) has been added to FIG. 6.

Attachments: Replacement Sheets  
Annotated Marked-Up Drawings



CONTAINMENT DEVICE AND METHOD FOR HOSE BIBS AND THE LIKE  
Annotated Marked-Up Drawings  
Patent Serial No. 10/748,768  
Inventor: Commeville et al. Atty Docket No. 31141-2  
Response to Office Action (dated 12/16/04)  
Contact: Troy J. Cole (317) 634-3456

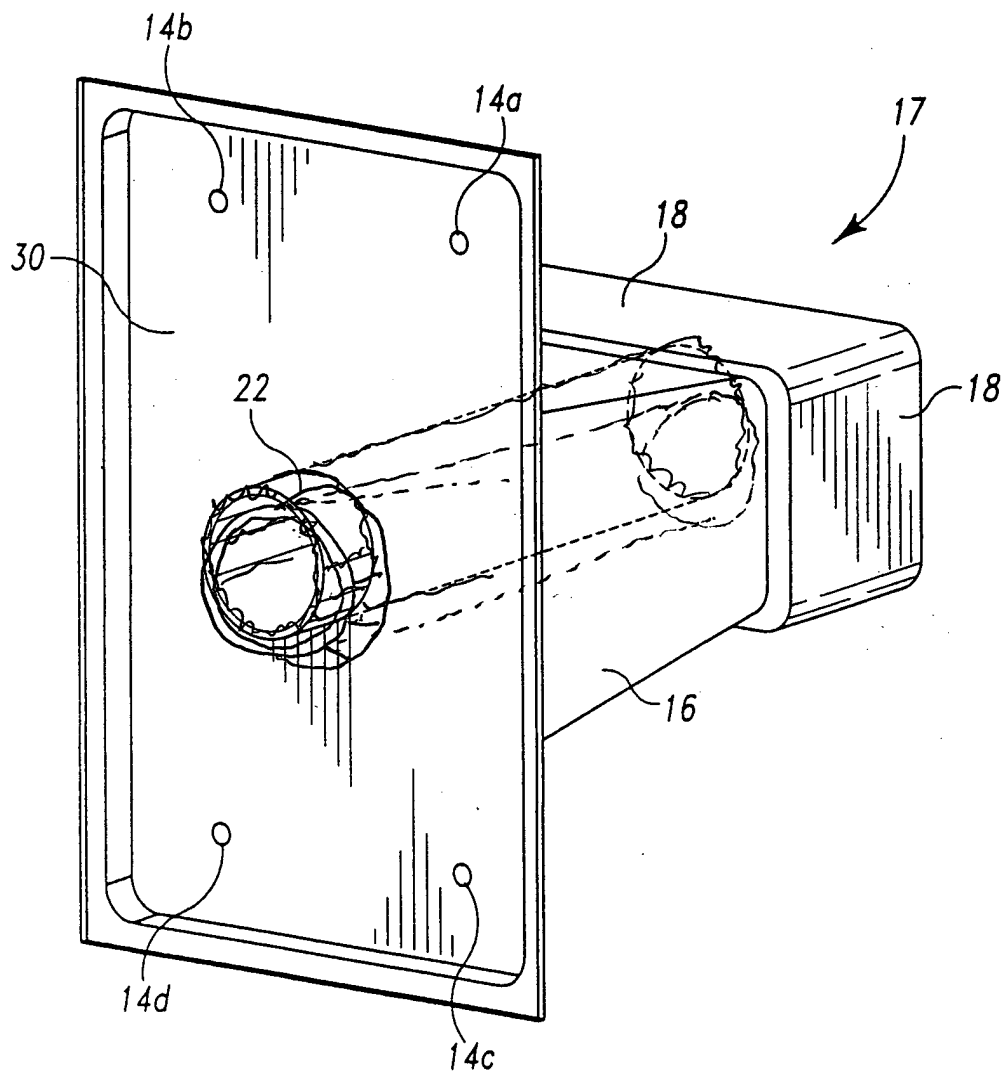


Fig. 3





CONTAINMENT DEVICE AND METHOD FOR HOSE BIBS AND THE LIKE  
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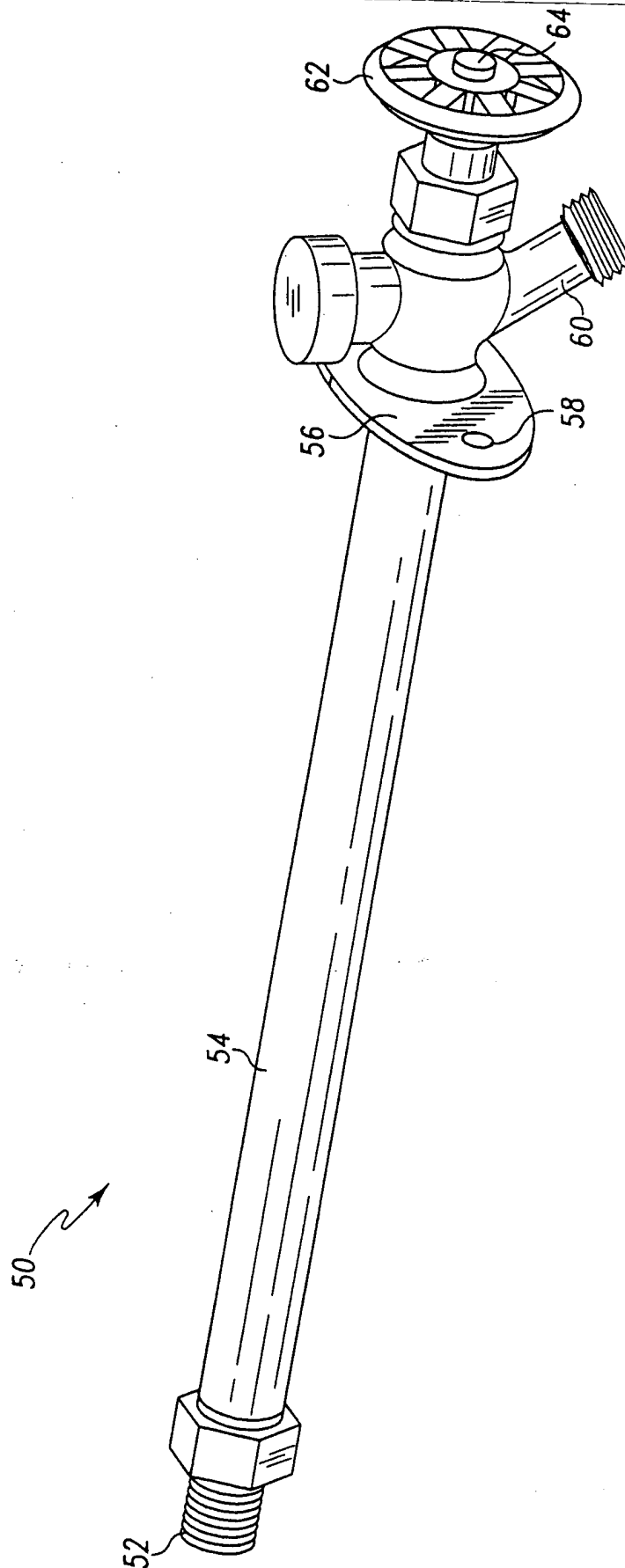


Fig. 6  
(Prior Art)